



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

House: APPROP DPA/SE 15-0-0-0

HB 2489: DUI; public safety; technical correction
S/E: prescriptions; approval; controlled substance
Sponsor: Representative Payne, LD 27
Caucus & COW

Summary of the Strike-Everything Amendment to HB 2489

Overview

Allows any compound, mixture or preparation that contains 3,4-methylenedioxymethamphetamine (MDMA) and is approved by the U.S. Food and Drug Administration (FDA) and rescheduled by the U.S. Drug Enforcement Administration (DEA) as a schedule other than a schedule I controlled substance to be prescribed in Arizona. Contains a conditional enactment clause.

History

The Controlled Substance Act (CSA) is the federal statute that places all substances regulated under federal law into one of five schedules. The classification is based on the substance's medical use, potential for abuse and safety or dependency liability. The process to add, delete or change the schedule of a substance may be initiated by the DEA, the U.S. Department of Health and Human Services (HHS) or by a petition from an interested party ([21 U.S.C. § 812](#)).

According to the [DEA](#), schedule I drugs, substances and chemicals are those with no currently accepted medical use, a high potential for abuse and a lack of accepted safety for the use of the drug or other substance under medical supervision. Some examples of Schedule I drugs are: heroin, lysergic acid diethylamide (LSD) and MDMA.

The Arizona State Board of Pharmacy (Pharmacy Board) is required to: 1) adopt rules to protect the public regarding the practice of pharmacy, including the manufacturing and supplying of drugs or hazardous substances; 2) investigate compliance as to the quality and labeling of all drugs; and 3) license pharmacists and pharmacy interns. The Board may also outline rules for professional conduct of pharmacy professionals ([A.R.S. § 32-1904](#)).

Provisions

1. States that any compound, mixture or preparation that contains MDMA and is approved by the USFDA and rescheduled by the DEA to a schedule other than a schedule I substance is a controlled substance and may be prescribed in Arizona. (Sec. 2)
2. States this act does not become effective unless by January 1, 2026, a MDMA investigational product is newly approved as a prescription medication pursuant to federal law and is controlled under a federal interim rule and published in the federal register. (Sec. 4)
3. Requires the Executive Director of the Pharmacy Board to notify in writing the Arizona Legislative Council Director by February 1, 2026 either:
 - a) of the date on which the condition was met; or
 - b) that the condition was not met. (Sec. 4)

Prop 105 (45 votes) Prop 108 (40 votes) Emergency (40 votes) Fiscal Note

4. Contains legislative findings. (Sec. 3)
5. Cites this act as *The PTSD Treatment Act of 2023*. (Sec. 5)
6. Makes technical and conforming changes (Sec. 1)